

REMARKS

In response to the Office Action dated December 21, 2004, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 32-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flynn in view of www.Rogers.com, "Portage™ Wireless Connectivity, Quick Start Guide, 10-2000" ("Rogers"). This rejection of claims 35-52 is traversed for the following reasons.

Claim 32 recites "connect the mobile computer to the telecommunications equipment, access the software program downloaded onto the mobile computer, and transfer the software program from the mobile computer to the telecommunications equipment." Flynn fails to teach this element. In applying Flynn, the Examiner is construing terminal module 48 to correspond to the claimed mobile computer and application modules 45, 46, and 47 to correspond to the claimed telecommunications equipment. There is no teaching in Flynn that application modules 45, 46, and 47 are telecommunications equipment. The Examiner refers to these items as "communications equipment". Flynn describes these devices as lacking a communications stack (see page 11, lines 29-32). Flynn does not teach transferring a software program from the mobile computer to the telecommunications equipment as recited in claim 1.

With respect to the claimed guide, Rogers was relied upon for disclosing "providing the guide adapted for independent use by a technician having self-guided instructions for accessing the software program on the network server, downloading the software program from the network server to the mobile computer." The claimed guide, however, also contains instructions for "connecting the mobile computer to the multiplexer, accessing the software program downloaded onto the mobile computer, and transferring the software program from the mobile computer to the multiplexer."

Apparently, the Examiner cites page 13, lines 9-27 of Flynn as teaching a guide having these instructions. This section of Flynn discusses communications between terminal module 48 and application modules 45, 46, and 47, but does not disclose a guide having instructions for "connecting the mobile computer to the multiplexer, accessing the software

program downloaded onto the mobile computer, and transferring the software program from the mobile computer to the multiplexer.” Rogers does teach instructions for transferring software to the mobile computer. Rogers fails to teach instructions for “connecting the mobile computer to the telecommunications equipment, accessing the software program downloaded onto the mobile computer, and transferring the software program from the mobile computer to the telecommunications equipment” and the subsequent implementation of these instructions as recited in claim 35. Thus, neither Flynn nor Rogers teaches a guide including instructions for “connecting the mobile computer to the multiplexer, accessing the software program downloaded onto the mobile computer, and transferring the software program from the mobile computer to the multiplexer” as recited in claim 35.

For the above reasons, claim 35 is patentable over Flynn in view of Rogers. Claims 36-50 depend from claim 35 and are patentable over Rogers for at least the reasons advanced with respect to claim 35. Claims 51-52 include features similar to those discussed above with respect to claim 35 and are patentable over Rogers for at least the reasons advanced with respect to claim 35.

Furthermore, claim 42 recites “sending an electronic mail message to each mobile computer in the network when the updated version of the software program is available on the server.” The Examiner states that the network of Flynn is capable of sending electronic mail messages. There is no teaching in Flynn of sending “an electronic mail message to each mobile computer in the network when the updated version of the software program is available on the server.” Simply because Flynn can send electronic mail messages, does not support the conclusion that Flynn teaches sending electronic mail messages under certain conditions. Thus, claim 42 is patentable over Flynn in view of Rogers.

Furthermore, claim 45 recites “wherein the telecommunications equipment comprises a multiplexer.” In construing claim 35, the Examiner considered elements 45, 46 and 47 to correspond to the claimed telecommunications equipment. None of the application modules 45, 46, or 47 are described as being a multiplexer. Thus, claim 45 is patentable over Flynn in view of Rogers.

Furthermore, claim 46 recites “wherein the software program comprises a digital loop electronics software program.” In construing claim 46, the Examiner cites to application modules 45, 46 and 47 to correspond to the claimed digital loop electronics software

program. It is not clear how the application modules 45, 46 and 47 teach that the software program comprises a digital loop electronics software program. Thus, claim 46 is patentable over Flynn in view of Rogers.

Furthermore, claim 47 recites "wherein the software program comprises a testing software program." In construing claim 47, the Examiner cites to application modules 45, 46 and 47. It is not clear how the application modules 45, 46 and 47 teach that the software program comprises a digital loop electronics software program. Thus, claim 47 is patentable over Flynn in view of Rogers.

It is respectfully submitted that the application is in condition for allowance. Accordingly, reconsideration and allowance of the claims are respectfully requested. The Examiner is cordially requested to telephone, if the Examiner believes that it would be advantageous to the disposition of this case.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment, which may be required for this amendment, to Deposit Account No. 06-1130. In the event that an extension of time is required, or may be required in addition to that requested in any petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 06-1130.

Respectfully submitted,

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